

ADAM K. BULT, ESQ., Nevada Bar No. 9332  
[abult@bhfs.com](mailto:abult@bhfs.com)  
EMILY A. ELLIS, ESQ., Nevada Bar No. 11956  
[eellis@bhfs.com](mailto:eellis@bhfs.com)  
MACKENZIE WARREN, ESQ., Nevada Bar No. 14642  
[mwarren@bhfs.com](mailto:mwarren@bhfs.com)  
BROWNSTEIN HYATT FARBER SCHRECK, LLP  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106-4614  
Telephone: 702.382.2101  
Facsimile: 702.382.8135

*Attorneys for Defendants Five Star Restaurants, LLC; Westbury Manor Enterprises, Inc.; Vincent Scotto; and Michelina Scotto*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

PHILADELPHIA INDEMNITY  
INSURANCE COMPANY, a Pennsylvania  
Corporation;

Plaintiff,

v.

FIVE STAR RESTAURANTS, LLC, a  
Nevada limited liability company;  
WESTBURY MANOR ENTERPRISES,  
INC., a Delaware foreign business  
corporation; VINCENT SCOTTO, an  
individual; MICHELINA SCOTTO, an  
individual; DOE INDIVIDUALS 1 through  
10, inclusive; ROE BUSINESS ENTITIES  
11 through 20, inclusive;

Defendants.

CASE NO.: 2:17-cv-00871-APG-PAL

**STIPULATION AND [PROPOSED]  
ORDER TO CONTINUE HEARING ON  
MOTION TO COMPEL**

**(Second Request)**

Defendants Five Star Restaurants, LLC, Westbury Manor Enterprises, Inc., Vincent Scotto, and Michelina Scotto ("Defendants"), by and through their counsel of record the law firm of Brownstein Hyatt Farber Schreck, LLP; and Plaintiff Philadelphia Indemnity Insurance Company ("Plaintiff", together with Defendants, the "Parties"), by and through its counsel of record The Faux Law Group, hereby stipulate and jointly request that the Court continue the hearing on Philadelphia's Motion to Compel and For Sanctions (the "Motion") set for March 6, 2018 at 9:00 A.M. and extend the deadline for the Indemnitors to respond to the Motion.

**STIPULATION**

1) On December 13, 2017, Philadelphia filed its Motion. (ECF No. 52).

2) The Parties extended the time for the Indemnitors to respond twice via Stipulation and Order. (ECF No. 56 and ECF No. 59).

3) During that time, the Parties worked diligently to resolve the discovery dispute. The Indemnitors provided additional Interrogatory Responses and Verifications. Additionally, the Parties worked towards mutually agreeable deposition dates and resolution of the fee issue raised in Philadelphia's Motion.

4) On January 31, 2018, the Indemnitors filed an Emergency Motion for Status Conference. (ECF No. 60).

5) On February 1, 2018, Judge Andrew P. Gordon held a Status Conference wherein he instructed, among other things, that \$676,189.00 be placed in escrow from a loan to be obtained by Westbury Manor Enterprises, Inc. (the "Loan"), that Philadelphia file any UCC releases necessary for the Loan to close, and that the Parties would negotiate in good faith regarding the distribution of the escrow funds.

6) Philadelphia provided a UCC-3 to Indemnitors and Indemnitors provided an executed copy of the escrow instructions, which reflect Judge Gordon's instructions. The Loan closed and the \$676,189.00 was placed in escrow. At that time, the Parties were hopeful that they could agree upon a distribution plan, and that the lawsuit, including the Motion, would be resolved.

7) As such, on February 5, 2018, the Parties filed a Stipulation and Order to Continue Hearing on Motion to Compel ("Stipulation"), seeking that the hearing on the Motion be continued for another 30 days to provide the Parties time to negotiate in good faith towards resolution.

8) The Court issued a Minute Order on February 5, 2018, granting the Stipulation and continuing the hearing on the Motion to March 6, 2018.

9) Thereafter, the Parties attempted to agree upon a distribution plan, but were unsuccessful.

10) Thus, the District Judge ordered the Parties to submit briefs on the issue on or before Thursday, March 8, 2018, and scheduled a hearing on the issue for March 13, 2018, at 9:00 a.m.

11) Because the Parties have not reached a resolution of this issue, they hereby stipulate and jointly request that the Court continue the hearing on the Motion thirty (30) days, and that the Court set a briefing schedule for the Indemnitors to file a response to the Motion and Philadelphia to file a reply in support of the Motion.

12) Both Parties reserve all rights and defenses.

DATED this 5th day of March, 2018.

DATED this 5th day of March, 2018.

BROWNSTEIN HYATT FARBER  
SCHRECK, LLP

THE FAUX LAW GROUP

By: /s/ Emily A. Ellis  
ADAM K. BULT, ESQ., #9332  
EMILY A. ELLIS, ESQ., #11956  
MACKENZIE WARREN, ESQ., #14642  
100 North City Parkway, Suite 1600  
Las Vegas, NV 89106-4614

By: /s/ Jordan F. Faux  
KURT C. FAUX, ESQ., #3407  
JORDAN F. FAUX, ESQ., #12205  
1540 W. Warm Springs Road, Suite 100  
Henderson, NV 89014

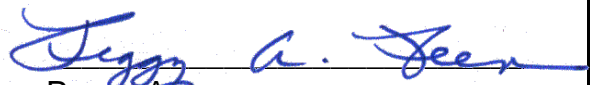
*Attorneys for Plaintiff*

*Attorneys for Defendants*

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the foregoing Stipulation is APPROVED.

IT IS FURTHER ORDERED that defendants shall have until **March 19, 2018**, to file a response to the motion, and plaintiff shall have until **March 26, 2018**, to file a reply. The hearing in this matter is **CONTINUED** from March 6, 2018, to **10:00 a.m., April 3, 2018**, in Courtroom 3B.

Dated: March 5, 2018

  
Peggy A. Leen  
United States Magistrate Judge